

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 29369 OF 2023

Between:

Mohhamad Mahiveen, D/o Md. Sadiq Ali Aged around 22 years, Occ. Student R/o 1-97, Vil. Kondamallepalli Chinna Adiserla Palle Mdl. Devarakonda, Nalgonda Dist.

...PETITIONER

AND

1. Principal Secretary, Health, Medical and Family Welfare Department Dr. B R Ambedkar Secretariat, Government of Telangana Hyderabad, Telangana
2. Registrar, Kaloji Narayana Rao University of Health Sciences Nizampura, Warangal, Telangana-506007
3. Director of Medical Education Sultan Bazar, Koti, Hyderabad
4. Dean and Principal, Mamata Dental College Rotary Nagar, Khammam-507002, Telangana
5. Registrar, Professor Jayashankar Telangana State Agricultural University Rajendra Nagar, Hyderabad.
6. Registrar, P.V.Narsimha Rao Telangana Veterinary University Rajendra Nagar, Hyderabad- 500030
7. The Associate Dean, College of Veterinary Science, Korutla, Jagtial District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by directing the respondent no. 4 to return all the original certificates of the Petitioner such as Secondary School Certificate, Intermediate Pass Certificate cum Memorandum of Marks, Study and Conduct Certificates (VI-IX, X and Intermediate) and also to refund the Tuition Fee of Rs. 45,000/- , Caution Deposit, Stipend Fee and Other Fee of Rs. 43,250/- total

amount of Rs. 88,250/- paid by the petitioner (ii). direct the respondent no. 5 to 7 to not to insist for submission of the petitioner s original certificates till all her original certificates are returned by the respondent no.4 and allow the petitioner to pursue her B.V.Sc. and A.H. course at 7th respondents College.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondent no. 5 to 7 to not to insist for submission of the petitioner's original certificates till all her original certificates are returned by the respondent no.4 and allow the petitioner to pursue her B.V.Sc. and A.H. course at 7th respondent's College.

Counsel for the Petitioner : SRI MAHESH MAMINDLA

Counsel for the Respondent No.1 : GP FOR MEDICAL HEALTH FW

Counsel for the Respondent No.2 : SRI A.PRABHAKAR RAO, SC FOR Kaloji Narayana Rao University of Health Sciences,

Counsel for the Respondent No.3 to 7 :

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.29369 OF 2023

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has approached the Court seeking the following relief:

"to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus by directing the respondent No.4 to return all the original certificates of the Petitioner such as Secondary School Certificate, Intermediate Pass Certificate cum Memorandum of Marks, Study and Conduct Certificates (VI-IX, X and Intermediate) and also to refund the Tuition Fee of Rs.45,000/ Caution Deposit, Stipend Fee and Other Fee of Rs.43,250/ total amount of Rs.88,250/- paid by the petitioner

ii) direct the respondent Nos.5 to 7 to not to insist for submission of the petitioner's original certificates till all her original certificates are returned by the respondent No.4 and allow the petitioner to pursue her B.V.Sc and A.H. course at 7th respondent's College and to pass..."

3. Learned counsel appearing on behalf of the petitioner brought to the notice of this Court that so far as the relief pertaining to return of all the original certificates of the petitioner

is concerned, the petitioner has received all the original certificates in pursuance to the order of this Court dated 18.10.2023. Insofar as other limb of the prayer is concerned, it is pertaining to refund of tuition fee of Rs.45,000/-, caution deposit, stipend fee and other fee of Rs.43,250/-, totaling to Rs.88,250/- paid by the petitioner. Learned counsel for the petitioner submits that in spite of repeated requests, the said amount has not been refunded to the petitioner.

4. A bare perusal of the letter, dated 21.09.2023 addressed by the petitioner to the Dean and Principal indicates that the petitioner paid the tuition fee of Rs.45,000/- and caution deposit, stipend fee and other fee of Rs.43,250/-, totaling to Rs.88,250/-.

5. A bare perusal of the notification issued in October, 2018 by the University Grants Commission discloses that specific instructions were issued regarding refund of fees and Non-retention of original certificates by Higher Educational Institutions by exercising of powers conferred by UGC under Section 12(d) read with Section 12(j) of the UGC Act, 1956. It further discloses that provisions contained in the said notification shall come into force with immediate effect and shall have regulatory force on extant as well as future grievances over issues and matters covered under the subject notification.

6. In the said notification, clause 4.1 relates to Refund of Fees, which reads as under:

4.1 REFUND OF FEES

4.1.4 In case of (1) in the table above, the HEI concerned shall deduct an amount not more than 5% of the fees paid by the student, subject to a maximum of Rs. 5,000/- as processing charges from the refundable amount.

4.1.5 Fees shall be refunded by all HEIs to an eligible student within fifteen days from the date of receiving a written application from him/her in this regard.

4.1.2 HEIs shall charge fees in advance only for the semester/year in which a student is to engage in academic activities. Collecting advance fees for the entire programme of study or for more than one semester/year in which a student is enrolled is strictly prohibited.

4.1.3 If a student chooses to withdraw from the programme of study in which he/she is enrolled, the institution concerned shall follow the following five-tier system for the refund of fees* remitted by the student.

S.No.	Percentage of Refund of fees*	Point of time when notice of withdrawal of admission is received in the HEI
(1)	100%	15 days or more before the formally-notified last date of admission
(2)	90%	Less than 15 days before the formally-notified last date of admission
(3)	80%	15 days or less after the formally-notified last date of admission
(4)	50%	30 days or less, but more than 15 days, after formally-notified last date of admission

(5)	00%	More than 30 days after formally-notified last date of admission
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7. On perusal of the record, it is evident that neither the affidavit filed by the petitioner in support of this writ petition nor the material documents indicate that the petitioner has submitted a representation with regard to the refund of tuition fee of Rs.45,000/-, caution deposit, stipend fee and other fee of Rs.43,250/-, totaling to Rs.88,250/-, paid by the petitioner, therefore, the petitioner cannot complain of inaction on the part of the 4th respondent in returning the said amounts to the petitioner by the 4th respondent and hence, no Mandamus can be invoked at this stage. The petitioner is, therefore, directed to submit a representation to respondent No.4 duly referring to the relevant rules issued by the UGC in the notification issued in October, 2018, (referred to and extracted above), within a period of one week from the date of receipt of a copy of this order and put forth the petitioner's grievance to the 4th respondent as put forth in the present writ petition pertaining to refund of the Tuition Fee of Rs.45,000/- caution deposit stipend fee and other fee of Rs.43,250/- i.e total amount of Rs.88,250/- paid by the petitioner to the 4th respondent college. On receipt of the same, respondent No.4 shall consider the said

representation of the petitioner pertaining to refund of the amount of Rs.88,250/- by following the UGC guidelines (referred to and extracted above), and pass appropriate orders, in accordance to law, within a period of two weeks thereafter and duly communicate the decision to the petitioner..

8. With the above observation/direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

**SD/-MOHD.ISMAIL
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Health, Medical and Family Welfare Department Dr. B R Ambedkar Secretariat, Government of Telangana Hyderabad, Telangana
2. The Registrar, Kaloji Narayana Rao University of Health Sciences Nizampura, Warangal, Telangana-506007
3. The Director of Medical Education Sultan Bazar, Koti, Hyderabad
4. The Dean and Principal, Mamata Dental College Rotary Nagar, Khammam-507002, Telangana
5. The Registrar, Professor Jayashankar Telangana State Agricultural University Rajendra Nagar, Hyderabad.
6. The Registrar, P.V.Narsimha Rao Telangana Veterinary University Rajendra Nagar, Hyderabad- 500030
7. The Associate Dean, College of Veterinary Science, Korutla, Jagtial District
8. One CC to SRI MAHESH MAMINDLA, Advocate. [OPUC]
9. Two CCs to GP FOR MEDICAL HEALTH FW, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to SRI A.PRABHAKAR RAO, SC FOR Kaloji Narayana Rao University of Health Sciences, Nizampura, Warangal, Telangana. [OPUC]
11. Two CD Copies.

BSK
SS

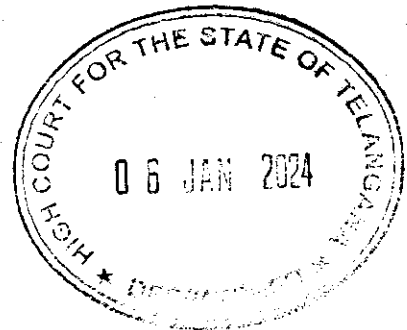


HIGH COURT

DATED:07/12/2023

ORDER

WP.No.29369 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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JLMA
29/12/2023